

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PF-0577 PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 19616	International filing date (day/month/year) 26/08/1999	(Earliest) Priority Date (day/month/year) 27/08/1998
Applicant INCYTE PHARMACEUTICALS, INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☒ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/ 19616

B x I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claim 19 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the composition.
2. ☒ Claims Nos.: 17, 18, 20
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

B x II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

see additional sheet, subject 1.

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Further defect(s) under Article 17(2)(a):

Continuation of Box 3.

Claims Nos.: 17,18,20

Claims 17, 18 and in part 20 refer to an antagonist and agonist of the polypeptides of claim 1 without giving a true technical characterisation. Moreover, no such compounds are defined in the application. In consequence, the scope of said claims is vague, and their subject-matter is not sufficiently disclosed and supported (Articles 5 and 6 PCT). No search can be carried out for these purely speculative claims whose wording is, in fact, a mere recitation of the results to be achieved.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

1. Claims: 1-20 (all partly)

Polypeptides comprising SEQ ID NO: 1, fragments and variants thereof, encoding polynucleotides (such as SEQ ID NO: 9), cells containing them, methods for production of said polypeptides, corresponding pharmaceutical composition and antibody.

1.1. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO:5 and 13

2. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO:2 and 10

3. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 3 and 11

4. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 4 and 12

5. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 6 and 14

6. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 7 and 15

7. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 8 and 16

INTERNATIONAL SEARCH REPORT

Intern. Application No

PCT/US 99/19616

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/12 C07K14/47 C12Q1/68 A61K38/17 C07K16/18

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K C12Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>KAIN R ET AL: "Molecular cloning and expression of a novel human trans-Golgi network glycoprotein, TGN51, that contains multiple tyrosine-containing motifs" JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 273, no. 2, 9 January 1998 (1998-01-09), pages 981-988, XP002125426 MD US compare the sequences in figure 1 with SEQ ID NO 1 and 9.</p> <p style="text-align: center;">---</p> <p style="text-align: center;">-/--</p>	1-14,16

☒ Further documents are listed in the continuation of box C.

☐ Patent family members are listed in annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

13 December 1999

Date of mailing of the international search report

05.04.2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

CUPIDO, M

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/19616

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>PONNAMBALAM S ET AL.: "Primate homologues of rat TGN38: primary structure, expression and functional implications" JOURNAL OF CELL SCIENCE, vol. 109, no. 3, 1996, pages 675-685, XP000857634</p> <p>the whole document, compare the sequence in figure 1 with SEQ ID NO 1</p> <p>---</p>	1-14,16
X	<p>Database EMBLhum1</p> <p>SEQ ID AF044924: Homo sapiens hook2 protein (HOOK2) mRNA, complete cds. 6 April 1998. XP002125427</p> <p>Compare with SEQ ID NO 5 and 13.</p> <p>-----</p>	1-11

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/19616

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

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see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
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Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

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see additional sheet

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see additional sheet, subject 1.

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☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

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6. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 7 and 15

7. Claims: 1-20 (all partly)

As subject 1 but limited to SEQ ID NO: 8 and 16

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 22 May 2000 (22.05.00)	
International application No. PCT/US99/19616	Applicant's or agent's file reference PF-0577 PCT
International filing date (day/month/year) 26 August 1999 (26.08.99)	Priority date (day/month/year) 27 August 1998 (27.08.98)
Applicant TANG, Y., Tom et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

27 March 2000 (27.03.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer C. Cupello
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38